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WHEREAS, the parties are desirous of resolving in this Stipulation of Settlement and Order of Discontinuance all disputes between them;

NOW THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the parties hereto mutually agree as follows:

1. Defendant ARBINS acknowledges that the sum of \$38,405.35 (plus interest thereon totaling \$1,920.25 calculated at 5% per annum for the six (6) month period) of the payment set forth hereafter is lawfully due and owing to the Plaintiff LOCAL 137 TRUST FUNDS.

2. Defendant ARBINS agrees to pay the total sum of \$40,326.60 as follows:

- a. \$6,721.00 on or before the 1st day of August, 2008;
- b. \$6,721.00 on or before the 1st day of September, 2008;
- c. \$6,721.00 on or before the 1st day of October, 2008;
- d. \$6,721.00 on or before the 1st day of November, 2008;
- e. \$6,721.00 on or before the 1st day of December, 2008; and
- f. \$6,721.00 on or before the 1st day of January, 2009.

3. Each payment shall be made in the form of a check made payable to the "LOCAL 137 TRUST FUNDS" and forwarded to Plaintiff's counsel, James M. Steinberg, Esquire, Stuart Steinberg Steinberg, P.C., 603 Manhattan Avenue, Hastings-on-Hudson, New York 10750.

4. Defendant ARBINS, hereafter, agrees to remain current in the payment of all unpaid benefit contributions owed or payable to the LOCAL 137 members in its entirety.

5. In the event of any default by the Defendant in the payment and under the provisions of this Stipulation, and provided that said default continues for a period of ten (10) days after notice to cure is sent to the Defendant by certified mail at 175 Marble Avenue, Flushing, New York 10570, the Clerk of the United States District Court for the Southern

whereas, if New York is hereby authorized to enter judgment on the application of the Plaintiffs against the Defendant in the sum of \$34,405.75 and any accrued interest, less payments received, plus included damages calculated on the deficiency amount of \$38,405.75 at the rate of ten percent (10%) as prescribed by ERISA and together with attorney's fees in the amount of \$1,750.00, together with the costs and disbursements of this action.

It is hereby stipulated and agreed that in exchange for the prompt and full payments of the amounts identified herein, the Plaintiff's waive any claims for punitive damages and additional attorney's fees and the Defendant's irrevocably action either for or against under the Employee Retirement Income Security Act of 1974 unless the Plaintiff's stipulation in paragraph 5 must be enforced.

This action is hereby settled as to the Defendant herein.

IT IS HEREBY FURTHER STIPULATED AND AGREED, by and between the undersigned, including the attorneys of record for the Plaintiff's and the Defendant that no party, whether an infant or incompetent person for whom a committee has been appointed and no person or a party has an interest in the subject matter of this action, the act so captioned, will or can be disadvantaged, without a cross to either party as against the other, subject to payment in the event of default or failure of any payment term or condition agreed or required as contained in this Stipulation, Settlement and Order of Discontinuance.

IT IS HEREBY IN ADDITION STIPULATED AND AGREED, by and between the undersigned including the attorneys of record for the Plaintiff's and the Defendant, that this Stipulation may be executed in any number of counterparts and by different parties.

